

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for October 1, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #2035

**PROPOSAL:** Expand a nonstandard single-family dwelling into the required side yard setback.

**LOCATION:** South 5<sup>th</sup> and "E" Streets.

**LAND AREA:** 4,050 square feet, more or less.

**CONCLUSION:** This application meets the requirements of the Zoning Ordinance and Comprehensive Plan.

<b>RECOMMENDATION:</b>	<b>Conditional Approval</b>
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### **GENERAL INFORMATION:**

#### **LEGAL DESCRIPTION:**

Lot 12, except the south 122' of the east half thereof, Block 173, Original Plat, located in the SW1/4 of Section 26 T10N R6E, Lincoln, Lancaster County, Nebraska

**EXISTING ZONING:** R-4 Residential

**EXISTING LAND USE:** Single-family dwelling

#### **SURROUNDING LAND USE AND ZONING:**

North:	Single-family dwelling	R-4 Residential
South:	Single-family dwelling	R-4 Residential
East:	Single-family dwelling	R-4 Residential
West:	Single-family dwelling	R-4 Residential

#### **HISTORY:**

Mar 1979 The zoning for this area changed from B Two-Family Dwelling to R-4 Residential as part of the 1979 zoning update.

#### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan designates this area as Urban Residential. (F 25)

**Urban Residential:** Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

**ANALYSIS:**

1. This is an application to expand a nonstandard single-family dwelling into the required side yard setback.
2. A nonstandard use is defined by LMC §27.03.460 as a lot or use that existed prior to the effective date of the zoning ordinance or became nonstandard through a change in the zoning ordinance and no longer complies with the minimum lot requirements for the district in which it is located. This dwelling was constructed in 1920, prior to the adoption of zoning in Lincoln; therefore, this is a nonstandard use.
3. LCM §27.63.540 provides conditions under which this permit may be granted:

- (a) **The proposed building expansion shall not extend further into any required yard than the furthest extension of the existing single- or two-family dwelling.**

The existing building has a 2' setback along the west property line and a 2.5' setback along the east property line. The R-4 zoning regulations require a 5' side yard setback in these locations.

- (b) **The proposed building expansion shall comply with all other height and area regulations of the zoning district in which the building is located.**

The proposed expansion of this dwelling is to the north of the existing structure, and maintains a 2' setback along the west side and a 2.5' setback along the east side. According to the submitted drawing, the proposed expansion will not encroach into the required rear yard.

- (c) **The use of the building shall remain a single- or two-family dwelling.**

This is a recommended condition of approval.

4. No City Department has raised an objection to this permit.

The Planning Department recommends approval of this permit based upon the following conditions.

**CONDITIONS:****Site Specific:**

1. This approval permits the expansion of a nonstandard single-family dwelling into the required side yard setback on both sides.

2. The expansion shall not extend further into a required side yard than the furthest extension of the existing dwelling.
3. The expansion shall meet the height limit of the zoning district.
4. The use of the main structure shall remain a single- or two-family use.

**STANDARD CONDITIONS:**

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the addition all development and construction is to comply with the approved plans.
  - 5.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 5.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Greg Czaplewski  
Planner

**DATE:** September 18, 2003

**Applicant:** Petr and Galina Opanasyuk  
446 "E" Street  
Lincoln, NE 68508  
474-6976

**Owner:** Same as Applicant.

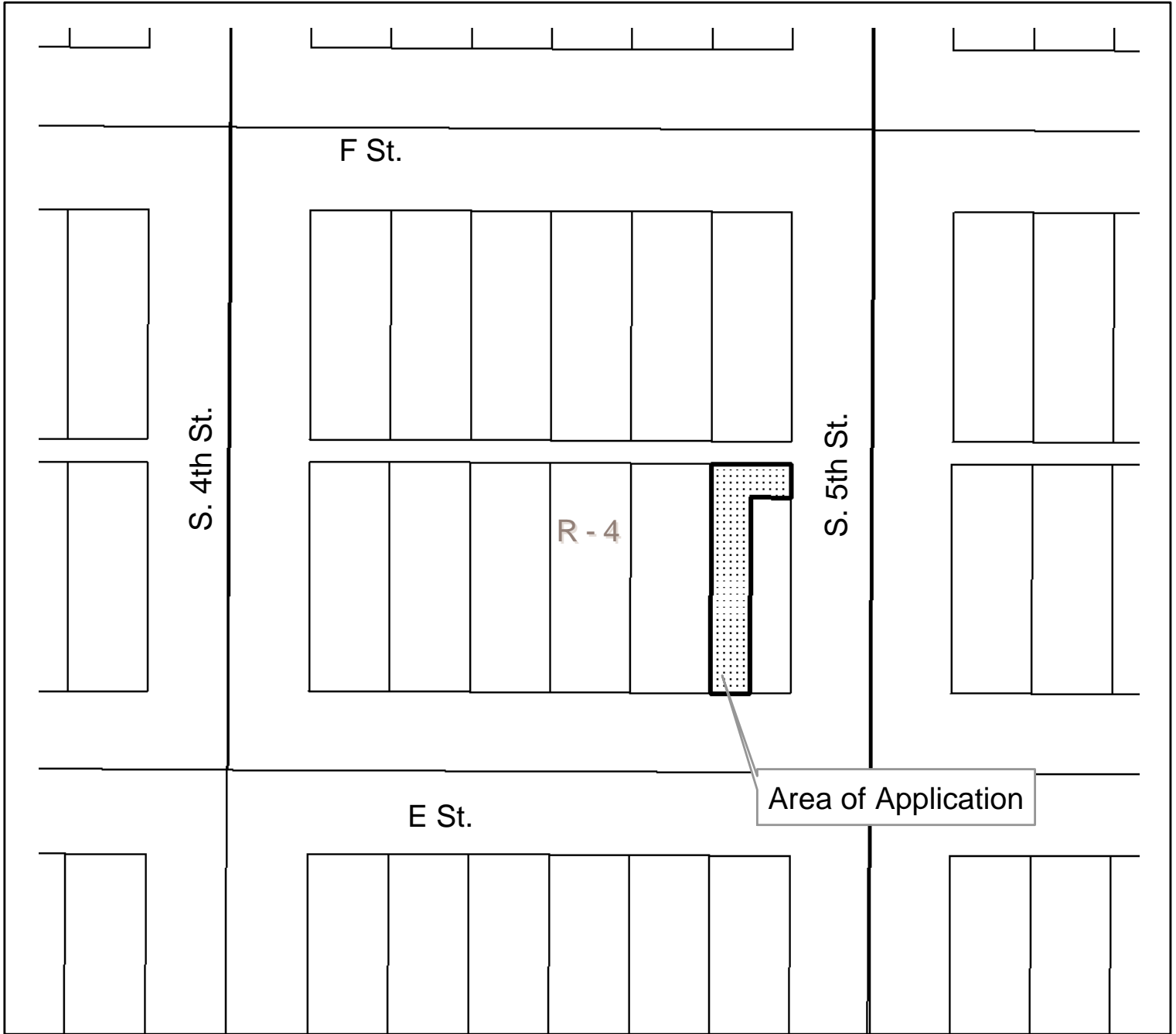
**Contact:** Petr Opanasyuk  
446 "E" Street  
Lincoln, NE 68508  
467-1871

Father Deacon Nicholas  
Three Hierarchs Ukrainian Orthodox Church  
450 "E" Street  
Lincoln, NE 68508  
438-5695



**Special Permit #2035**  
**446 E St.**



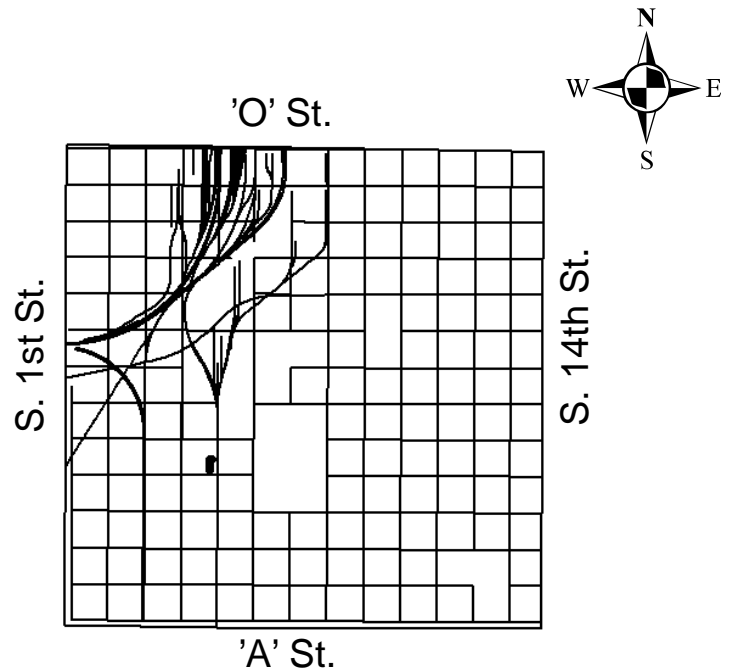
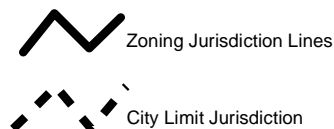


## Special Permit #2035 446 E St.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Converson District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 26 T10N R6E



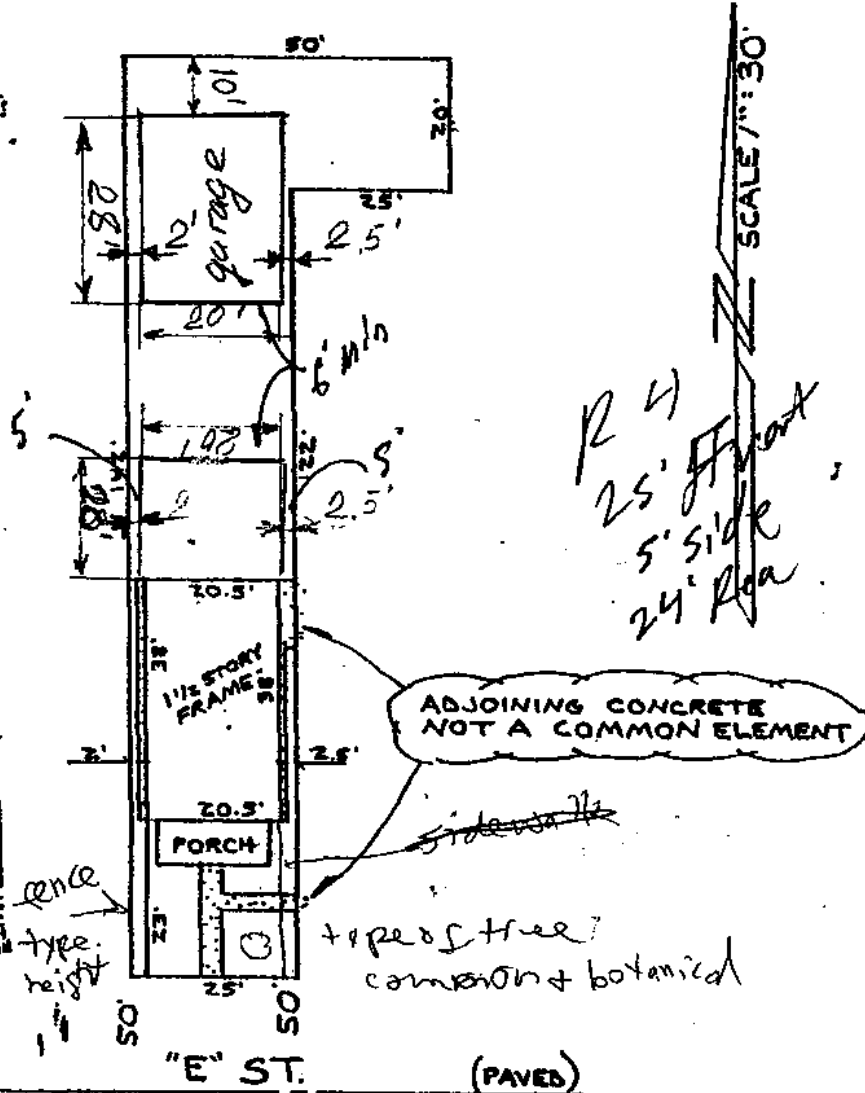
# PROPERTY IMPROVEMENT LOCATION PLAT

446 "E" ST.

PETR OPANASYUK  
NTC

16' ROCK ALLEY

NOTE: Subject property apparently falls within the confines of Zone "A15" as determined by the FEMA-FIA Flood Risk Map community 315273, panel 0026C, revised 3/12/86.



LEGAL DESCRIPTION: Lot 12. Except the South 122' of the East half thereof, Block 173, Original Plat, Lincoln, Lancaster County, Nebraska

## DATE OF CERTIFICATE

12-17-92

REVISED



## SURVEYOR'S CERTIFICATE

To the Lienholders and/or the owners of the premises inspected, and to Nebraska Title Company

The undersigned does hereby certify that the inspection made this day on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts or shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way in evidence or known to me, except as shown hereon, and that said property has access to and from a dedicated roadway. The foregoing is shown with an accuracy necessary to satisfy the needs of a lender or insurer. This plat is not a boundary survey and is not to be used for any purpose whatsoever other than those specifically stated above.

*Jesse W. Winger*

Professional Surveyors, Inc.

315 SO. 9TH - SUITE 10  
LINCOLN, NE 68508  
402.477.5255

JESSE W. WININGER, L.S.  
PRESIDENT

PROJECT NO.

925418